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Debtor In Pro Se

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

Adv. No.: 2:23-ap-01150-SK

ERICA VAGO AND JOSEPH VAGO,

Plaintiffs,

v.

LESLIE KLEIN,

Defendant.

**ANSWER TO COMPLAINT TO DENY  
DISCHARGE OF DEBT AND DENIAL OF  
DISCHARGE**

Place: Courtroom 1575

Comes now the Defendant, Leslie Klein ("**Defendant**") for himself only, and for his answer to the Complaint to Deny Discharge of Debt and Denial of Discharge (the "**Complaint**") filed by Erica Vago and Joseph Vago (the "**Plaintiff**"), and states as follows:

**NATURE OF THE CASE**

1. The Defendant denies the allegations contained in paragraph 1 of the Complaint.
2. The Defendant denies the allegations contained in paragraph 2 of the Complaint.

1 3. The Defendant denies the allegations contained in paragraph 3 of the Complaint.

2 4. The Defendant denies the allegations contained in paragraph 4 of the Complaint.

3 5. The Defendant alleges as to the allegations contained in paragraph 5 of the  
4 Complaint that the judgment on the verdict has been appealed except as set forth  
5 Defendant denies each and every allegation therein.

6 6. The Defendant denies the allegations contained in paragraph 6 of the Complaint.

7  
8 **JURISDICTION AND VENUE**

9 7. The Defendant admits the allegations contained in paragraph 7 of the Complaint.

10 8. The Defendant admits the allegations contained in paragraph 8 of the Complaint.

11 9. The Defendant admits the allegations contained in paragraph 9 of the Complaint.

12 10. The Defendant admits the allegations contained in paragraph 10 of the Complaint.

13 11. The Defendant admits the allegations contained in paragraph 11 of the Complaint.

14  
15 **THE PARTIES**

16 12. The Defendant admits the allegations contained in paragraph 12 of the Complaint,  
17 other than that the judgment in question is under appeal.

18 13. The Defendant admits the allegations contained in paragraph 13 of the Complaint.

19  
20 **GENERAL ALLEGATIONS**

21 14-50. The Defendant generally denies all material allegations contained in  
22 paragraphs 14-50 of the Complaint and refers to the proceedings in the underlying  
23 state court action and other proceedings relating to the funds alleged. The judgment  
24 alleged has been appealed. The allegations regarding the State Branch of  
25 Accountancy including 38-42 have nothing to do with Plaintiffs or their claims.

26  
27 //  
28

**FIRST CLAIM FOR RELIEF**

**(Nondischargeability of Debt – 11 U.S.C. §523(a)(2)(A))**

**51-59.** The Defendant generally denies all material allegations contained in paragraph 51-59 of the Complaint and refers to the proceedings in the underlying state court action and other proceedings relating to the funds alleged. The judgment alleged has been appealed. The allegations regarding the State Branch of Accountancy including 38-42 have nothing to do with Plaintiffs or their claims.

**SECOND CLAIM FOR RELIEF**

**(Nondischargeability of Debt – 11 U.S.C. §523(a)(4))**

**60-67.** The Defendant generally denies all material allegations contained in paragraph 60-67 of the Complaint and refers to the proceedings in the underlying state court action and other proceedings relating to the funds alleged. The judgment alleged has been appealed. The allegations regarding the State Branch of Accountancy including 38-42 have nothing to do with Plaintiffs or their claims.

**THIRD CLAIM FOR RELIEF**

**(Nondischargeability of Debt – 11 U.S.C. §523(a)(6))**

**68-75.** The Defendant generally denies all material allegations contained in paragraph 68-75 of the Complaint and refers to the proceedings in the underlying state court action and other proceedings relating to the funds alleged. The judgment alleged has been appealed. The allegations regarding the State Branch of Accountancy including 38-42 have nothing to do with Plaintiffs or their claims.

**FOURTH CLAIM FOR RELIEF**

**(For Denial of Discharge – 11 U.S.C. §727(a)(12))**

1       **76-84.** The Defendant generally denies all material allegations contained in paragraph  
2 76-84 of the Complaint and refers to the proceedings in the underlying state court action  
3 and other proceedings relating to the funds alleged. The judgment alleged has been  
4 appealed. The allegations regarding the State Branch of Accountancy including 38-42  
5 have nothing to do with Plaintiffs or their claims.  
6

7                               **FIRST AFFIRMATIVE DEFENSE**

8               The Complaint fails to state a claim for which relief can be granted.  
9

10                              **SECOND AFFIRMATIVE DEFENSE**

11               As a separate and affirmative defense, Defendant is informed and believes and on  
12 that basis avers that Plaintiff and each person whose rights it purports to assert have  
13 unclean hands, and Plaintiff accordingly is barred from relief against Defendant for any  
14 reason stated in the Complaint or any purported Claim for Relief therein.  
15

16                              **THIRD AFFIRMATIVE DEFENSE**

17               As a separate and affirmative defense, Defendant avers that the Complaint, and  
18 each purported Claim for Relief therein, is uncertain, ambiguous, and unintelligible.  
19

20                              **FOURTH AFFIRMATIVE DEFENSE**

21               As a separate and affirmative, Defendant is informed and believes and on that  
22 basis avers that all equitable relief sought in the Complaint, and each purported Claim for  
23 Relief therein, is barred by laches.  
24

25                              **FIFTH AFFIRMATIVE DEFENSE**

26               As a separate and affirmative, Defendant is informed and believes and on that  
27 basis avers that Plaintiff and each person whose rights it purports to assert are estopped  
28

1 from asserting each and every purported Claim for Relief in the Complaint, or from  
2 seeking any relief thereby.

3  
4 **SIXTH AFFIRMATIVE DEFENSE**

5 As a separate and affirmative, Defendant is informed and believes and on that  
6 basis avers that Plaintiff and each person whose rights it purports to assert have waived  
7 any and all right to relief against Defendant for any reason stated in the Complaint or any  
8 purported Claim for Relief therein and that the claims contained in the Complaint are  
9 subject to setoff and/or recoupment.  
10

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 As a separate and affirmative defense to each and every cause of action of the  
13 Complaint, Defendants allege that Plaintiff is barred from recovery against Defendants,  
14 in whole or in part, because Plaintiff has failed to satisfy conditions or obligations  
15 precedent to Defendants' performance of the contract or contracts.  
16

17 **EIGHT AFFIRMATIVE DEFENSE**

18 As a separate and affirmative defense to each and every cause of action of the  
19 Complaint, Defendants allege that Plaintiff's claims are barred by the doctrine of release  
20 and waiver.  
21

22 **NINTH AFFIRMATIVE DEFENSE**

23 As a separate and affirmative defense to each and every cause of action of the  
24 Complaint, Defendants allege that Plaintiff's claims are barred by the doctrine of equitable  
25 estoppel.  
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27 //  
28

**TENTH AFFIRMATIVE DEFENSE**

As a separate and affirmative defense to each and every cause of action of the Complaint, Defendants allege that Plaintiff's claims are barred or reduced by their failure to mitigate their damages.

**ELEVENTH AFFIRMATIVE DEFENSE**

As a separate and affirmative defense to each and every cause of action of the Complaint, Defendants allege that Plaintiff's claims are barred because Plaintiff's consented to Defendant's actions.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendants reserve their rights to assert additional defenses as and when they learn of all the claims asserted against them, whether submitted or not, and as their discovery and investigation continues.

**WHEREFORE**, Defendant, respectfully requests an entry of order.

- Dismissing the Complaint with prejudice;
- Entitling Defendant to recover the costs incurred in defending this action, including attorney's fees; and
- Granting such other and further relief as this Court deems just and proper.

Dated: December 4, 2023

/s/ Leslie Klein

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LESLIE KLEIN  
Defendant

TENTH AFFIRMATIVE DEFENSE

As a separate and affirmative defense to each and every cause of action of the Complaint, Defendants allege that Plaintiff's claims are barred or reduced by their failure to mitigate their damages.

ELEVENTH AFFIRMATIVE DEFENSE

As a separate and affirmative defense to each and every cause of action of the Complaint, Defendants allege that Plaintiff's claims are barred because Plaintiff consented to Defendant's actions.

TWELFTH AFFIRMATIVE DEFENSE

Defendants reserve their rights to assert additional defenses as and when they learn of all the claims asserted against them, whether submitted or not, and as their discovery and investigation continues.

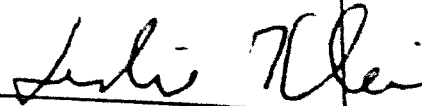
WHEREFORE, Defendant, respectfully requests an entry of order.

- Dismissing the Complaint with prejudice;
- Entitling Defendant to recover the costs incurred in defending this action, including attorney's fees; and
- Granting such other and further relief as this Court deems just and proper.

Dated: December 4, 2023

/s/ Leslie Klein

LESLIE KLEIN  
Defendant



In re: LESLIE KLEIN Debtor(s) ERICA VAGO and JOSEPH VAGO	Chapter: 11 Case No: 2:23-bk-10990-SK Adv. No: 2:23-ap-01150-SK
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### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is **301 East Colorado Boulevard, Suite 520, Pasadena, California 91101.**

A true and correct copy of the foregoing document described as **ANSWER TO COMPLAINT TO DENY DISCHARGE OF DEBT AND DENIAL OF DISCHARGE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 12/04/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

[x] Service information continued on attached page

**II. SERVED BY U.S. MAIL:**

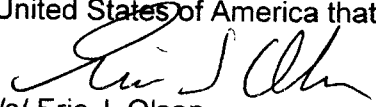
On 12/04/2023, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

[x] Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

12/04/2023  
Date

Eric J. Olson  
Type Name

  
/s/ Eric J. Olson  
Signature



In re: LESLIE KLEIN Debtor(s) ERICA VAGO and JOSEPH VAGO	Chapter: 11 Case No: 2:23-bk-10990-SK Adv. No: 2:23-ap-01150-SK
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**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

**Mailing Information for Case 2:23-bk-10990-SK**

**Electronic Mail Notice List**

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- **Reem J. Bello** [rbello@goeforlaw.com](mailto:rbello@goeforlaw.com), [kmurphy@goeforlaw.com](mailto:kmurphy@goeforlaw.com)
- **Michael Jay Berger** [Michael.berger@bankruptcypower.com](mailto:Michael.berger@bankruptcypower.com),  
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- **United States Trustee (LA)** [ustpreion16.la.ecf@usdoj.gov](mailto:ustpreion16.la.ecf@usdoj.gov)
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- **Clarisse Young** [youngshumaker@smcounsel.com](mailto:youngshumaker@smcounsel.com), [levern@smcounsel.com](mailto:levern@smcounsel.com)
- **Paul P. Young** [paul@cym.law](mailto:paul@cym.law), [jaclyn@cym.law](mailto:jaclyn@cym.law)

**II. SERVED BY U.S. MAIL**

Hon. Sandra Klein  
U.S. Bankruptcy Court  
255 E. Temple Street #1582  
Los Angeles, California 90012